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SUBJECT: TURKEY: Eastern Provinces Score Gains in Counternarcotics,
but Lag in Information Sharing

11. (SBU) SUMMARY. Turkish officials are making steady inroads against drug smuggling in the southeast, local officials told Embassy officers during a recent visit. PKK terrorist activity has declined, but it remains active in drug smuggling. The inability of Turkish officials to share information seized in terrorism and narcotics investigations limits our ability to strengthen law enforcement cooperation. We intend to pursue remedies. END SUMMARY.

12. (SBU) From November 23-25, 2009, the Embassy Resident Legal Advisor, FBI Legal Attache, and a DEA Agent, accompanied by Locally Engaged Staff, visited three provinces in eastern Turkey to gain a better understanding of cross-border smuggling and terrorism issues confronting the region. The participants traveled to the cities of Van, Dogubayazit, and Kars. The prosecutors in Van and Dogubayazit were informative and provided constructive ideas for future cooperation. The prosecutor in Kars, however, was suspicious and uncooperative. This report consequently summarizes the first two meetings and suggests areas for closer law enforcement cooperation.

Van

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13. (SBU) On November 23, the Embassy group met with Van Chief Public Prosecutor Mustafa Alper and Public Prosecutor Sumer Koybasi. The Van public prosecutor's office is responsible for prosecuting all crimes committed in Van province, as well as organized crime and drug prosecutions in the provinces of Hakkari, Mus, and Bitlis. The Van office consists of 21 prosecutors - 13 are responsible for general investigations, and eight are responsible for terrorism and organized crime cases.

14. (SBU) The prosecutors reported that heroin, opium, hashish, and cannabis are the primary drugs smuggled in this region. The drugs are smuggled through border entry points by truck or through mountain passes by mule. The cities of Van, Hakkari, and Baskale (in southeastern Van province) are the main entry points of drugs into Turkey. Most drugs are smuggled through legitimate border crossings during winter, as mountain routes are impassable. In many instances, family members living on both sides of the border facilitate the smuggling. The PKK is tied to most drug smuggling in some way, prosecutors claimed, either by demanding a "tax" from the smugglers, or directly organizing the smuggling on its own.

¶5. (SBU) The prosecutors reported that the Turkish National Police (TNP), Jandarma, and Customs officers work narcotics cases. Of the three agencies, the TNP is the most effective. This is a result of the TNP's use of wiretaps, confidential sources, routine road stops, and narcotics detection dogs. TNP success is also facilitated by its professionalism, prosecutors believe. The prosecutors claimed the success rate in prosecutions involving wiretaps is "close to 100 percent." The importation and production of narcotics carry a ten-year mandatory minimum sentence under Turkish Penal Code (TPC) Article 188, and a fine. The penalty is increased by half if the drug is heroin, cocaine, or morphine, and then increased by half again if the crime involves a criminal organization.

¶6. (SBU) According to Van's prosecutors, in 2008, their office conducted 15,000 prosecutions (including 250 cases from Hakkari, Mus, and Bitlis provinces). Of these, approximately ten percent, or 1,500 cases, related to drug possession and trafficking. All of the drugs seized had been produced in other countries. In Van province in 2009, authorities seized nearly one ton of heroin, as well as hashish, opium, ecstasy, and acetic anhydride (used to refine opium into heroin).

¶7. (SBU) Other smuggling involves fuel oil, cigarettes, and people, according to Van's prosecutors. Individuals smuggled into Turkey come from Afghanistan, Iran, Iraq, Pakistan, and African nations. Few if any have terrorist connections, prosecutors reported. These persons enter Turkey in search of a better life, either in Turkey or in European countries.

¶8. (SBU) The PKK remains the biggest terrorism threat in Van province, the prosecutors related, although PKK activity has decreased significantly in the past year. The PKK continues to kidnap teenage boys from villages in Eastern Turkey, our interlocutors claimed. The boys are taken to training camps in Northern Iraq, where they are indoctrinated and trained as PKK members. The parents may report their children "lost," rather than kidnapped, out of fear for their safety and that of their children. Statistics on such kidnappings are sparse, as village children often do not have birth certificates, and the reports of "lost" children cannot be verified.

¶9. (SBU) Al Qaeda has also been active in Van province, prosecutors stated. In October 15-16, 2009, a number of al Qaeda-related arrests were made throughout Turkey, 11 of which were in Van. The suspects are all Turkish citizens. Investigators have gathered 30,000 pages of evidence, as well as CD's showing videos of fighting in Afghanistan. Five of the 11 suspects have been detained. (Note: This account is not consistent with classified reporting received about the October 2009 arrests). When asked if they could share information on this case with the FBI, the prosecutors stated Turkish law prevents them from doing so, as the case files can only be accessed by parties to the case.

Dogubayazit

¶10. (SBU) Dogubayazit Chief Public Prosecutor Hakan Dundar and Public Prosecutor Adem Aydemir explained that Dogubayazit is a center of smuggling for drugs, people, and commodities. It is the closest city to the primary Iranian border gate, Gurbulak, and the neighboring border region is rugged and mountainous. The office consists of the Chief Prosecutor and six public prosecutors.

¶11. (SBU) Drugs are smuggled in roughly equal amounts through the legitimate border crossing at Gurbulak and through mountain passes. As in Van, the percentage going through mountain passes drops dramatically in the winter when deep snow makes mountain routes impassable. The prosecutors claimed that law enforcement has achieved a 60 percent reduction in drug smuggling from 2008 to 2009. In early November 2009, they destroyed one ton of heroin that had been seized during the first nine months of 2009. However, two troubling trends have emerged: an increased purity in the heroin seized (from 40 percent in past years to roughly 70 percent in 2009), and an increase in the smuggling of liquid heroin. (Note: Liquid heroin is a watered down version of heroin, which experts say can be more fatal than other illegal drugs. It is injected into

fruits or mixed with drinks.) Drugs are transported by villagers via mules in mountain regions and by truck drivers through the border crossings. Those arrested rarely cooperate with investigators, either out of fear or because they really do not know much about the trafficking organization.

¶12. (SBU) The prosecutors reported their office handled 100 drug smuggling cases during 2008-2009 and approximately 300 non-drug smuggling cases. Generally, these cases involved fuel and cigarettes. Asked about judicial assistance and cooperation with Iranian authorities, prosecutors replied that during the two years they have been in the region, they have received no assistance from Iranian judicial authorities.

¶13. (SBU) As in Van, the primary terrorism threat in Dogubayazit is the PKK. Prosecutors reported 67 "terrorism events" in 2009 such as demonstrations, "propaganda," and marches. Of these 67 events, two were gun attacks by PKK members, neither of which resulted in a fatality. The prosecutors claimed the PKK remains active in drug trafficking.

Comment and Suggested Way Forward

¶14. (SBU) DEA has requested samples of heroin from Turkish seizures to test for purity and origin. Turkish forensic regulations prohibit this. The prosecutors with whom we spoke suggested that the only way to remedy the situation is to lobby for a change in the

procedures used in forensics labs. This would require the Ministry of Justice, which oversees certain forensic laboratories, and the Ministry of the Interior, which oversees the Jandarma and TNP labs, to change their regulations. These changes would not require Parliamentary approval, but only the signature of the two relevant Ministers. The prosecutors suggested language which would "permit sharing of drug samples with international law enforcement organizations." Additional language could include that this sharing of drug samples be "solely for use in criminal investigations," or for other legitimate law enforcement purposes. We should actively pursue these changes, which would greatly facilitate DEA regional counter-narcotics efforts.

¶15. (SBU) Separately, criminal indictments and criminal court documents are sealed from public view in Turkey - they can only be accessed by the parties to the case. Consequently, the DEA, FBI, RLA, and other U.S. embassy personnel have had difficulty learning the status of cases making their way through the Turkish criminal court system. The contradictory reports we have received on the October 2009 "al Qaeda" arrests highlight the need for concrete, verifiable information about the arrest and prosecution of terrorism suspects in Turkey. The opening of Turkish court documents would allow the U.S. to more easily verify this information. We should encourage the Turkish Ministry of Justice to support laws and regulations which would open court files to public view. Alternatively, we and partner nations should encourage Turkey to permit sharing court documents with law enforcement personnel for legitimate law enforcement purposes. In future weeks, we will be meeting with relevant officials in the Ministries of the Interior and Justice to press for these changes. We will also engage with our European partners to encourage their participation in the above efforts.

¶16. (SBU) We are under no illusion that reform of Turkey's judicial system will be easy, particularly if legal changes are needed. We will continue to look for openings to pursue the above goals and other improvements in law enforcement cooperation.